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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT TACOMA

10 ANTHONY E. WHITFIELD,

11 Petitioner,

12 v.

13 SCOTT FRAKES,

14 Respondent.

No. C09-5361 FDB

ORDER ADOPTING REPORT AND
RECOMMENDATION DISMISSING
HABEAS PETITION WITH PREJUDICE

15 This matter comes before the Court on the Report and Recommendation of the Magistrate
16 Judge that Petitioner's request for habeas corpus relief be denied and the petition be dismissed
17 with prejudice. The Report and Recommendation finds that the six grounds for relief raised by
18 Petitioner are without merit. The Petitioner has filed objections to the Report and
19 Recommendation.

20 The Court, having reviewed the petition for writ of habeas corpus, the response, the
21 Report and Recommendation of Magistrate Judge Karen L. Strombom, objections to the Report
22 and Recommendation and the remaining record, does hereby find and ORDER:

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24 (1) The Court adopts the Report and Recommendation;
25 (2) Petitioner's Writ of Habeas Corpus [Dkt. 5] is **DENIED** and this action is
26 **DISMISSED WITH PREJUDICE;**

- 1 (3) Petitioner is not entitled to a Certificate of Appealability; and
2 (4) The Clerk is directed to send copies of this Order to Petitioner, counsel for
3 Respondent and to the Hon. Karen L. Strombom.
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5 DATED this 8th day of March, 2010.
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9 FRANKLIN D. BURGESS
10 UNITED STATES DISTRICT JUDGE
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